

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOAN LINTON, SHARON LINTON,)
JAMES LINTON, FRANKLIN LINTON III,)
DIRK LINTON, DANIEL LINTON,)
CHRISTINA LYNN, JASON LINTON, and)
MICHELLE MESERAULL, as surviving)
heirs of **FRANKLIN LINTON, JR.,** Deceased,)

Plaintiffs,)

v.)

OWENS-ILLINOIS, INC. (sued individually)
and as successor-in-interest to OWENS)
ILLINOIS GLASS COMPANY), and **OWENS-**)
BROCKWAY GLASS CONTAINER INC.)
(successor-by-merger to OWENS-ILLINOIS,)
INC.),)

Defendants.)

Case No. 4:12-cv-00960-AGF

Judge Audrey G. Fleissig

**DEFENDANTS' JOINT MOTION TO DISMISS
PLAINTIFFS' COMPLAINT WITH PREJUDICE**

Defendants Owens-Illinois, Inc. and Owens-Brockway Glass Container, Inc., pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully request that this Court enter an order dismissing Plaintiffs' Complaint with prejudice. In support of the motion, Defendants Owens-Illinois, Inc. and Owens-Brockway Glass Container, Inc. submit their Memorandum in Support of Their Motion to Dismiss Plaintiffs' Complaint with Prejudice under Local Rule 7-4.01(A).

WHEREFORE, Defendants Owens-Illinois, Inc. and Owens-Brockway Glass Container, Inc. respectfully request that this Court enter an order dismissing Plaintiffs' Complaint with prejudice and awarding such further relief as this Court deems just and proper.

Dated: June 1, 2012

Respectfully submitted,

RASMUSSEN WILLIS DICKEY & MOORE, LLC

By: /s/ Randolph G. Willis

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*Counsel for Defendants Owens-Illinois, Inc.
and Owens-Brockway Glass Container Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that on June 1, 2012, Defendants' Joint Motion to Dismiss Plaintiffs' Complaint with Prejudice was filed with the Clerk of the Court for the United States District Court for the Eastern District of Missouri using the CM/ECF system, which will send notification of such filing upon all parties who have appeared, and was served by depositing it in the U.S. Mail, proper postage prepaid, addressed to the following:

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